REMARKS

. Claims 1-17, 37-56, and 72-74 are presently pending in the instant application. The Examiner has rejected claims 1, 3-17, 37 and 39-55 under 35 U.S.C. 102(e) as allegedly being anticipated by U.S. Patent No. 6,502,077 to Speicher. Further, claims 2 and 38 have been rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Speicher in view of U.S. Patent No. 5,544,229 to Creswell et al. (hereinafter "Creswell"). Claims 56 and 72-74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Speicher in view of U.S. Patent No. 6,014,429 to LaPorta et al. (hereinafter "LaPorta"). Claims 1, 3, 37, and 39 have been amended. The Applicants submit that claims 1-17, 37-56, and 72-74 are in condition for allowance at least for the reasons presented herein and respectfully request reconsideration of the outstanding rejections. No new matter has been entered. The Applicants respectfully traverse the outstanding rejections for at least the reasons presented herein.

Claim rejections under 35 U.S.C. 102

The Examiner has rejected claims 1, 3-17, 37 and 39-55 under 35 U.S.C. 102(e) as allegedly being anticipated by U.S. Patent No. 6,502,077 to Speicher "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, "[t]he identical invention must be shown in as complete detail as is contained in the * * * claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

To anticipate a claim under 35 U.S.C. § 102, a single source must contain all of the elements of the claim. *Lewmar Marine Inc. v. Barient, Inc.*, 827 F.2d 744, 747, 3 U.S.P.Q.2d 1766, 1768 (Fed. Cir. 1987), *cert. denied*, 484 U.S. 1007 (1988).

Moreover, the single source must disclose all of the claimed elements "arranged as in the claim." *Structural Rubber Prods. Co. v. Park Rubber Co.*, 749 F.2d 707, 716, 223 U.S.P.Q. 1264, 1271 (Fed. Cir. 1984).

Applicants amended claim 1 recites a method for providing a status certification

for a message in a communications network, the communications network including a messaging system, the messaging system performing a method, comprising:

"receiving said message and assigning a message identifier to said message at the messaging system, the message generated by a sender and distributed to a recipient of the message, wherein the recipient is a subscriber to a messaging service provided by the messaging system;

creating a first disposition identifier in response to a first disposition event, the disposition event including at least one of a managing event and a dispatching event;

associating said first disposition identifier with said message;

receiving a request for a status notification of said message from the sender, the sender being a non-subscriber of the messaging service;

compiling said message identifier and said first disposition identifier to generate a first status notification; and

providing said first status notification to said sender in response to said request;

creating a second disposition identifier in response to a second disposition event occurring subsequent to said first disposition event, the second disposition event including at least one of a managing event and a dispatching event;

associating said second disposition identifier with said message;

compiling said message identifier and said second disposition identifier to generate a second status notification; and

providing said second status notification to said sender."

Speicher does not teach these features. Rather, Speicher is directed to a system and method for implementing a dating service whereby an 'advertiser' (i.e., the person placing or initiating the ad) subscribes to the dating service by providing personal information and a text/audio greeting and, optionally, additional multi-media content to the personal dating service whereby a mailbox is then assigned to the advertiser (i.e., subscriber of the service). The greeting is stored in the advertiser's own mailbox and that mailbox greeting, in turn, is accessible to any individual with knowledge of the dating service's telephone number (i.e., 900 toll number) and mailbox number, or alternatively, the web site maintained by the dating service. Thus, a single personal ad stored in a

subscriber's mailbox is freely available for access by multiple individuals (i.e., recipients) without restriction. In other words, the advertiser does not direct the ad to a designated target individual's voicemail box and has little, if any, control over who receives the ad's content.

Contrary to the teachings of the personal dating service of Speicher, the messaging system as recited in Applicants' claim 1 receives a message that is generated or initiated by a sender who is _not_ a subscriber to the messaging service. The messaging system distributes the message to the sender's intended recipient, the recipient being a subscriber of the service. Thus, the sender restricts the accessibility of the message by specifying the intended recipient. The messaging system recited in claim 1 distributes the message directly to the specified recipient.

In addition to the above, Speicher does not teach or suggest "assigning a message identifier to said message..." Speicher teaches a field, AD_MAILBOX_NUMBER 201, that is described in FIG. 2 as "the five digit mailbox number assigned to an advertiser." Further, column 6, lines 17-20 recites "the IVR assigns the advertiser a five digit mailbox number 819. For example: 'Your 5-digit mailbox number is 12345.' The mailbox number is then stored 820 in the field AD_MAILBOX_NUMBER 201." Thus, Speicher teaches a mailbox number assigned to an individual advertiser, whereas, Applicants' claim 1 teaches a message identifier assigned to a message (for distinguishing one message from another), and not to identify a particular mailbox as is taught by Speicher. Accordingly, the Applicants submit that the message identifier recited in claim 1 is not equivalent to the AD_MAILBOX_NUMBER field as suggested by the Examiner.

Moreover, the Speicher reference does not teach or suggest creating a first disposition identifier in response to a first disposition event and associating said first disposition identifier with said message; receiving a request for a status notification of said message from the sender; compiling said message identifier and said first disposition identifier to generate a first status notification; and providing said first status notification to said sender in response to said request." The disposition event taught by Speicher is directed to a response to the personal ad. The response identifiers taught by Speicher simply provide identifying information relating to a response submitted by a respondent

to the ad. Further, the response identifiers recited in Speicher are not associated with the message, but rather with the voicemail box. In support, Speicher specifically recites "the IVR creates a new record in the AD_RESPONSE table FIG. 5 and populates the fields RSP_MAILBOX_NUMBER 501...to indicate the mailbox number of the ad responded to..." (col. 11, lines 59-64). As the disposition identifier of Applicants' claim 1 is not equivalent to the response identifiers of Speicher, it follows that Speicher does not teach or suggest compiling the disposition identifier and message identifier to create a status notification.

Notwithstanding, the Applicants have amended claim 1 to further clarify that the disposition event includes at least one of a managing event and a dispatching event. The disposition event taught by Speicher refers to a response made to an ad by a responder (e.g., text or audio recorded by an individual in response to viewing or hearing the ad) (col. 15, lines 5-8). Thus, the managing event or dispatching event is not equivalent to the recorded response received by a sender as taught by Speicher.

The Applicants further submit that Speicher also does not teach or suggest a second disposition identifier and a second status notification at least for the reasons provided above with respect to the first disposition identifier and first status notification.

Accordingly, the Applicants submit claim 1 is patentable over Speicher. Claims 3-17 depend from claim 1 and are patentable over Speicher at least due to their dependencies on an allowable base claim. Claim 37 recites a system for providing a status certification for a message in a communications network as provided above in claim 1. The Applicants submit that claim 37 is patentable over Speicher for at least the reasons provided above with respect to claim 1. Claims 39-55 depend from claim 37 and are patentable over Speicher at least because of their dependencies on allowable base claim. The Applicants request reconsideration of the outstanding rejections.

Claim Rejections under 35 USC § 103

Claims 2 and 38 have been rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Speicher in view of Creswell. Claims 56 and 72-74 have been rejected

under 35 U.S.C. 103(a) as allegedly being unpatentable over Speicher in view of LaPorta. Claim 2 depends from an allowable claim 1. Claims 38, 56, and 72-74 depend from an allowable claim 37. For at least these reasons, the Applicants submit that claims 2, 38, 56, and 72-74 are in condition for allowance. Reconsideration of the rejections is respectfully requested.

If there are any charges with respect to this response or otherwise, please charge them to Deposit Account 06-1130 maintained by Applicants' attorneys.

Respectfully submitted,

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